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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

AUG 19, 2009
~~JUL 28 2009~~

Certified Mail: 7007 2680 0000 5772 ³³⁸⁵~~3392~~
Return Receipt Requested

Joseph P. Fahey, President
Minex, LLC
~~836 E. Peoria~~ PO BOX 279
~~Phoenix, AZ 85068~~ HUMBOLDT, AZ 86329

Re: Request for Information
Iron King Mine-Humboldt Smelter Superfund Site
Yavapai County, Arizona

Dear Mr. Fahey:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to actual or threatened releases of hazardous substances, pollutants, or contaminants at the Iron King Mine-Humboldt Smelter Superfund Site in Yavapai County, Arizona ("Site"). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment. EPA is conducting this investigation to determine the nature and extent of contamination in the area, to assess the effects of contamination on the environment and public health and to identify activities and parties that contributed to contamination in the area. EPA believes that you may have information which may assist the Agency in its investigation, given that your company leases a portion of Yavapai County Assessor Parcel 402-01-007X, which is part of the Site. The purpose of this letter is to request information you may have pertaining to this Site.

The Iron King Mine has been active, off and on, since the late 19th or early 20th century and has been used for a variety of mining and other industrial purposes. The nearby Humboldt Smelter was active primarily during the early part of the 20th century, and provided smelting services for the ores of nearby mines, but has also served as a location for other intermittent industrial activities. Contaminants of concern associated with these two locations which are connected by a gulch, include, but are not limited to lead and arsenic. Cleanup activities to date include the 2005 removal of contaminated soil from certain residential properties. EPA is currently conducting sampling activities as part of the Remedial Investigation/Feasibility Study ("RI/FS") process.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter.

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), as amended, EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law, and noncompliance with this request could result in EPA seeking the imposition of penalties of up to \$32,500 per day of noncompliance. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the timeframe noted above.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. For any questions that require the submission of documents, electronic copies of these documents may be submitted via email if the documents are available in electronic format. However, your response letter, with your original signature, must be submitted in hardcopy. If you choose to submit attachments to your response letter via email, please be clear in both your hardcopy and electronic submittal all to identify which documents are being submitted electronically and identify which EPA questions the electronic attachments correspond to. Additionally, EPA reserves the right to require a hard copy of the document in the future. Please return your written response to this request for information, signed by you or a duly authorized official of your company, if applicable, within thirty (30) calendar days of receipt of this letter. Please direct your response to:

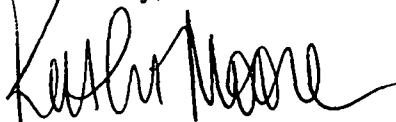
Kim Muratore (SFD-7-5)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter.

If you have questions regarding this information request, please contact Kim Muratore at (415) 972-3121, or you may email her at muratore.kim@epa.gov. Please direct any technical questions with respect to the Site or the status of cleanup efforts to the Remedial Project Manager ("RPM") Leah Butler at (415) 972-3199, or you may email her at butler.leah@epa.gov. Please direct any legal questions to EPA attorney Michele Benson at (415) 972-3918 or you may email her at benson.michele@epa.gov.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathi Moore', written over a horizontal line.

Kathi Moore, Manager
Case Development Cost Recovery Section
Superfund Division

Enclosures (2)

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F. R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. clearly identify the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate the date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope that is clearly marked "confidential".

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40.C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. EPA may also decide to share this information with the Arizona Department of Environmental Quality ("ADEQ"). The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

1. GRB Environmental Services, Inc.
EPA Contract Number EP-R9-06-03
2. Science Applications International Corporation
GSA Contract Number GS-10F-0076J

3. EA Engineering, Science, & Technology, Inc.
EPA Contract EP-W-06-004
4. Ecology & Environment, Inc.
Contract Number 68-W0-1012

Pursuant to 40 C.F.R. §2.310(h)(2)(iii), EPA will provide notice in the Federal Register or by letter of any subsequent additions in EPA contractors who may have access to your response to this Information Request. You will have at least five working days to submit comments to any such notice.

This information may be made available to these authorized representatives of EPA and to ADEQ for any of the following reasons: to assist with document handling, inventory, and indexing; to assist EPA with its cleanup and enforcement efforts; or to assist the State of Arizona in pursuing its own cost recovery action. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term "you" or "Respondent" should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term "documents" includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS

1. Please provide the full name, address, telephone number, and job title of the individual(s) answering any of the questions below on behalf of Minex, LLC. ("the Company").
2. Explain the Company's present operational status (e.g., active, suspended, defunct, merged, or dissolved).
3. Explain any business or other relationship between the Company, its owners, and the owners or operators (past and present) of the Iron King Mine, the Humboldt Smelter, Ironite Products Company, North American Industries, Iron King Waste Reduction Facility, Aquatec, and any other companies named Minex, LLC or that have the word "Minex" in their name (including, but not limited to "Minexco").
4. Provide the date the Company was incorporated, formed, or organized. Identify the State in which the Company was incorporated, formed, or organized.
5. Identify the business structure (e.g., sole proprietorship, general partnership, limited partnership, joint venture, or corporation) under which the Company currently exists or operates. If the Company is a limited partnership, please list each of the partners and state whether each is a general or limited partner.
6. List the names, titles, telephone number(s), and current or last known addresses of all individuals who are currently or were officers and/or owners of the Company during any time that the Company has been in business, regardless of the business structure under which the company is or was operated.
7. It is EPA's understanding that you or the Company have leased a portion of Yavapai County Assessor Parcel 402-01-007X from Kuhles Capital, LLC since sometime in 2007. Please:
 - a) provide a copy of the lease or rental agreement and any extensions or modifications that have been made to the lease or rental agreement; and
 - b) describe in detail the uses to which the property covered by the rental or lease agreement have been made.
8. It is EPA's understanding that the Company has brought in mill tailings from the Ambrosia Mill (and possibly from other sources) onto the Iron King Mine site for further processing and plans to expand this operation in the future. Please describe in detail this operation as it has been conducted to date, and describe plans for expansion. In addition to providing a narrative response, please include the following data:
 - a) estimate the volume of tailings currently brought onsite from the Ambrosia Mill and the volume of tailings anticipated to be brought onsite from this same source once operations are expanded;
 - b) estimate the volume of tailings currently brought onsite from other (non-Ambrosia Mill) sources and identify the sources, and the volume of tailings anticipated to be brought

onsite from other sources once operations are expanded, and describe any plans to process the nearby Iron King Mine tailings;

- c) provide a copy of any report or chart for each tailings source that identifies the metals and chemicals found in the tailings and the percentage of each metal or chemical comprised in the tailings;
- d) provide a copy of any report or chart that, for each tailings source, identifies metals and chemicals that will remain in the tailings after completion of the processing operation and estimate the percentage of each metal or chemical expected to remain in the leftover reprocessed tailings;
- e) describe the process(es) the Company currently utilizes to reprocess the tailings, including but not limited to all chemical and/or physical processes, and describe the resultant product, and describe any planned process changes;
- f) describe the physical and chemical nature of the leftover materials (including leftover tailings, if any) and estimate the weekly/monthly volume of the leftover materials both currently and after expansion of the operation
- g) describe the disposal plans (including disposal locations) for all leftover materials;
- h) describe the Company's plans to control releases of the unprocessed tailings materials, processed tailings materials, and all waste streams from the Company's operation. Include a detailed description of measures the Company will take to prevent wind, water, and anthropogenic deposition of the materials into the environment. Describe any measures the Company will take to reduce and/or eliminate dust generation during transporting and processing of the tailings materials. Describe any air, soil, and/or water monitoring and/or sampling activities the Company will conduct during the operation to verify that releases are not occurring. Should releases from the site occur, describe the corrective measures the Company will take to contain and abate the releases.

- 9. Provide a complete list of the names and last known addresses of employees who have worked at the Minex facility.
- 10. Provide copies of all environmental data or technical or analytical information regarding soil, water, and air conditions at the above-identified property, including, but not limited to, environmental data or technical or analytical information or Phase I or Phase II Site Assessments related to soil contamination, soil sampling, soil gas sampling, geology, water (ground and surface), hydrogeology, groundwater sampling, and air quality.
- 11. Please provide copies of any applications for permits or permits received under any local, state, or federal environmental laws and regulations, including any waste discharge permits, such as national pollutant discharge elimination system permits.
- 12. For each waste stream generated through the Company's operations, describe the procedures for (a) collection, (b) storage, (c) treatment, (d) transport, and (e) disposal of the waste stream.
- 13. Please provide a detailed description of all pre-treatment procedures performed by the Company on its waste streams prior to transport to a disposal site.
- 14. Provide copies of any correspondence between you or the Company and local, state, or

federal authorities concerning the use, handling, or disposal of hazardous substances at the above-identified property.

15. Provide a list of all chemicals and hazardous substances used in the Company's operation.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUL 28 2009

Certified Mail: 7007 2680 0000 5772 3392
Return Receipt Requested

Joseph P. Fahey, President
Minex, LLC
836 E. Peoria
Phoenix, AZ 85068

Re: Request for Information
Iron King Mine-Humboldt Smelter Superfund Site
Yavapai County, Arizona

Dear Mr. Fahey:

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MAIL CODE	SFD-7-5	611-3	BFD-6-2			
SURNAME	MURATORE	Bentz	Bueller			
DATE	7/27/09	7/27/09	7/29/09			

U.S. EPA CONCURRENCES

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 Street, Apt. No.,
 or PO Box No. **PO BOX 279**
 City, State, ZIP+4 **HUMBOLDT, AZ 86329**
 PS Form 3800, August 2006 See Reverse for Instructions

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Sent To **JOSEPH FAHEY, MINEX LLC**
 Street, Apt. No.,
 or PO Box No. **836 E. PEORIA**
 City, State, ZIP+4 **PHOENIX, AZ 85068**
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOSEPH FAHEY, PRESIDENT
MINEX LLC
PO BOX 279
HUMBOLDT, AZ 86329

2. Article Number
 (Transfer from service label)

7007 2680 0000 5772 3385

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature **[Signature]** ☐ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102595-02-M-1540